

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number _____

Meeting Type: Regular

Meeting Date: 6/14/2012

Action Requested By:
Legal

Agenda Item Type
Ordinance

Subject Matter:

Council High School Property

Exact Wording for the Agenda:

Ordinance authorizing the Mayor to execute a Deed to the Huntsville Housing Authority and William Hooper Council Alumni Association, Inc. for redevelopment of the former site of Council High School.

Note: If amendment, please state title and number of the original

Item to be considered for: Action

Unanimous Consent Required: Yes

Briefly state why the action is required; why it is recommended; what Council action will provide, allow and accomplish and; any other information that might be helpful.

Associated Cost:

Budgeted Item: Not applicable

MAYOR RECOMMENDS OR CONCURS: Yes

Department Head: _____ Date: _____

ORDINANCE NO. 12-_____

BE IT ORDAINED by The City Council of the City of Huntsville, Alabama that the Mayor is hereby authorized and directed to execute the deed attached hereto, conveying the described property to the Huntsville Housing Authority and William Hooper Council Alumni Association, Inc., for the redevelopment of the former site of Council High School.

ADOPTED this the 14th day of June, 2012.

President of the City Council of
the City of Huntsville, Alabama

APPROVED this the 14th day of June, 2012.

Mayor of the City of
Huntsville, Alabama

STATE OF ALABAMA)
)
COUNTY OF MADISON)

THIS DEED is made and entered into on this the 14th day of June, 2012, by and between CITY OF HUNTSVILLE, a municipal corporation within the State of Alabama, as Grantor, and HUNTSVILLE HOUSING AUTHORITY, an Alabama public body, corporate and politic, organized and existing under the laws of the State of Alabama (receiving an estate of a term of years as hereinafter provided) and WILLIAM HOOPER COUNCILL ALUMNI ASSOCIATION, INC., an Alabama non-profit corporation (receiving a remainder estate as hereinafter provided), as Grantee.

W I T N E S S E T H:

THAT FOR AND IN CONSIDERATION of the sum of Ten and No/100 Dollars (\$10.00) cash and other good and valuable consideration, this day in hand paid to Grantor by Grantee, the receipt and sufficiency of which is hereby expressly acknowledged by Grantor, Grantor, subject to the Permitted Title Exceptions hereinafter-described and set forth, has this day granted, bargained, sold and conveyed, and does, by these presents, grant, bargain, sell and convey, (a) unto Grantee Huntsville Housing Authority an estate of a term of years commencing July 2, 2012 and ending July 1, 2022, inclusive, and (b) unto Grantee William Hooper Councill Alumni Association, Inc., an absolute, indefeasible fee simple remainder estate commencing July 2, 2022, in and to the following-described tract or parcel of real property situated and lying and being in the City of Huntsville, County of Madison, State of Alabama, to-wit:

All that part of Section 1, Township 4 South, Range 1 West, in the City of Huntsville, Madison County, Alabama, particularly described as beginning at a point on the North right-of-way of St. Clair Avenue that is located South 88 degrees 33 minutes West 14.88 feet from the Southwest corner of Tract 21B of Urban Renewal Project Ala. R-32, Big Spring Area, Section "B" as recorded in Plat Book 8 at page 23 in the Office of the Judge of Probate, Madison County, Alabama; thence from the true point of beginning along the North right-of-way of St. Clair Avenue North 88 degrees 33 minutes East 214.61 feet; thence North 25 degrees 58 minutes East 416.63 feet; thence North 83 degrees 53 minutes West 410.2 feet; thence South 26 degrees 31 minutes West 39.3 feet; thence South 15 degrees 52 minutes East 291.12 feet; thence South 25 degrees 15 minutes West 120.23 feet to the true point of beginning and containing 2.72 acres, or 118,334 square feet,

(the above-described and herein-conveyed tract or parcel of real property being herein referred to as the "Property").

TO HAVE AND TO HOLD (a) unto Grantee Huntsville Housing Authority an estate of a term of years commencing July 2, 2012 and ending July 1, 2022, inclusive, and (b) unto Grantee William Hooper Councill Alumni Association, Inc., an absolute, indefeasible fee simple remainder estate commencing July 2, 2022, in and to the Property, subject, however, to the Permitted Title Exceptions hereinafter-described and set forth, all of which Grantees have heretofore approved, and further hereby approve by acceptance of delivery of this Deed:

1. The liens for (a) ad valorem taxes for the 2012 ad valorem tax year, (b) subsequent ad valorem tax years, and (c) rollback and recapture ad valorem taxes for all ad valorem tax years, if any, all of which ad valorem taxes Grantees assume and agree to pay as the same become due during Grantees' respective periods of ownership of the Property;
2. Covenants, easements, minimum building setback lines restrictions, restrictive covenants and rights-of-way of record;
3. Applicable zoning ordinances, subdivision regulations, and other land use laws, statutes regulations and rules;
4. All matters established by and shown on the Subdivision Plat of Urban Renewal Project ALA R-32 Big Spring Area, dated December 15, 1972, filed for record June 6, 1973 and recorded in Plat Book 8 at pages 22-25 in the Office of the Judge of Probate of Madison County, Alabama; and
5. A lease in favor of Grantee William Hooper Councill Alumni Association, Inc.,

(the foregoing matters set forth in paragraphs numbered 1. through 5., inclusive, above, are herein referred to, separately and severally, and collectively, as the "Permitted Title Exceptions").

Grantor, for itself and its successors and assigns, for and in consideration of the premises, covenants and warrants as follows: (1) that it is seized of the Property in fee simple and has good and lawful right to sell and convey the same; (2) that the Property is free from all liens and encumbrances except for, and subject to said Permitted Title Exceptions; and (3) that it will warrant and defend title to the Property from and against the lawful claims, title or demands of any and all persons whomsoever, except as to said Permitted Title Exceptions.

This conveyance is executed, acknowledged and delivered for the purposes of (a) granting unto, and immediately vesting in, Grantee Huntsville Housing Authority an estate in and to the Property of a term of years commencing July 2, 2012 and ending July 1, 2022, inclusive, and (b) granting unto, and immediately vesting in, Grantee William Hooper Councill Alumni Association, Inc., an absolute, indefeasible fee simple remainder estate in and to the Property commencing July 2, 2022, (c) limiting Grantee Huntsville Housing Authority's rights as to the Property during said term of years and (d) providing for Grantee Huntsville Housing Authority's maintenance, repair, insurance and ad valorem tax obligations regarding the Property during said term of years.

IN WITNESS WHEREOF, Grantor has caused these presents to be executed by its duly authorized officers on this the 14th day of June, 2012.

Attest: _____
Charles E. Hagood
as Clerk-Treasurer of
City of Huntsville,
a municipal corporation
within the State of Alabama

CITY OF HUNTSVILLE,
a municipal corporation
within the
State of Alabama

[SEAL]

By: _____
Tommy Battle,
As its Mayor

STATE OF ALABAMA)
)
COUNTY OF MADISON)

I, _____, a Notary Public in and for said County in said State, hereby certify that Tommy Battle and Charles E. Hagood, whose names as Mayor and Clerk-Treasurer, respectively, of the City of Huntsville, a municipal corporation within the State of Alabama, are signed to the foregoing conveyance, and who are known to me, acknowledged before me on this day that, being informed of the contents of the foregoing conveyance, they, as such officers and with full authority, executed the same voluntarily for and as the act of the City of Huntsville, a municipal corporation within the State of Alabama, on the day the same bears date.

GIVEN under my hand and official seal on this the ____ day of June, A.D., 2012.

My Commission Expires:

Notary Public
State of Alabama
County of Madison [SEAL]

THIS INSTRUMENT WAS PREPARED BY: PAUL A. PATE OF LANIER FORD SHAVER & PAYNE P.C., ATTORNEYS-AT-LAW, 2101 WEST CLINTON AVENUE, SUITE 102, HUNTSVILLE, ALABAMA 35805, TELEPHONE NUMBER: (256) 535-1100.

THIS INSTRUMENT WAS PREPARED SOLELY FROM INFORMATION PROVIDED TO THE PREPARER OF THIS INSTRUMENT WHO CONDUCTED NO TITLE EXAMINATION, AND WHO ISSUED NO TITLE OPINION OR TITLE INSURANCE.

dg] S:\DGilley\PAP CD\01-0266\01-0266.04.wpd